

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

LIONRA TECHNOLOGIES LTD.,  
*Plaintiff,*

v.

FORTINET, INC.,  
*Defendant*

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Case No. 2:22-cv-00322-JRG-RSP  
(LEAD CASE)

LIONRA TECHNOLOGIES LTD.,  
*Plaintiff,*

v.

PALO ALTO NETWORKS, INC.,  
*Defendant*

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Case No. 2:22-cv-00334-JRG-RSP  
(Member Case)

**JURY TRIAL DEMANDED**

**DEFENDANT PALO ALTO NETWORKS, INC.'S MOTION FOR  
SUMMARY JUDGMENT OF NO PRE-SUIT INDIRECT INFRINGEMENT**

**I. INTRODUCTION**

Palo Alto Networks, Inc.'s ("PAN") first "notice" or "knowledge" of U.S. Patent Nos. 7,685,436 (the "'436 Patent") and 8,566,612 (the "'612 Patent") (collectively, the "Asserted Patents") or any allegation of infringement was when Lionra Technologies Limited ("Lionra") filed its Complaint in this case on August 29, 2022. [REDACTED]

[REDACTED] Moreover, Lionra has not accused PAN of willful infringement or contributory infringement in this case. These facts are undisputed, and as a result, PAN is entitled to summary judgment of no pre-suit induced infringement under 35 U.S.C. § 271(b).

**II. STATEMENT OF UNDISPUTED MATERIAL FACTS**

1. In its Complaint, Lionra alleges that PAN "induced others to infringe the [asserted] patent[s] ... without a license or permission from Lionra."<sup>1</sup> Dkt. 1, ¶¶ 16, 27.

2. [REDACTED]

[REDACTED]

[REDACTED]

3. [REDACTED]

[REDACTED]

[REDACTED]

4. Lionra did not plead contributory infringement or willful infringement. Complaint, Dkt. 1.

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<sup>1</sup> Counsel for Lionra confirmed that Lionra is not pursuing a claim for contributory infringement under 35 U.S.C. § 271(c) because it is not pled in its complaint. Dkt. 1. Willful infringement was also not pled in the complaint. *Id.*

[REDACTED]

### III. STATEMENT OF THE ISSUE

1. Whether Lionra is entitled to damages for pre-suit induced infringement where
- [REDACTED]
- [REDACTED]

### IV. LEGAL STANDARDS

Induced infringement requires proof (1) of an act of direct infringement by another, and (2) that the defendant knowingly induced the infringement with the specific intent to encourage the other's infringement. *Global-Tech Appliances, Inc. v. SEB S.A.*, 563 U.S. 754, 765–66 (2011); *MEMC Elec. Materials, Inc. v. Mitsubishi Materials Silicon Corp.*, 420 F.3d 1369, 1378 (Fed. Cir. 2005). The intent element requires that the defendant “[know] that the induced acts constitute patent infringement” and “that the defendant possessed specific intent to encourage another's infringement.” *Global-Tech.*, 563 U.S. at 766; *GlaxoSmithKline LLC v. Teva Pharms. USA, Inc.*, 7 F.4th 1320, 1327 (Fed. Cir. 2021) (quoting *DSU Med. Corp. v. JMS Co.*, 471 F.3d 1293, 1306 (Fed. Cir. 2006)).

### V. ARGUMENT

There is no evidence of record that PAN knew of the Asserted Patents or any alleged infringement prior to the filing of this lawsuit. The Complaint contains no such allegations. *See generally* Dkt. 1. [REDACTED]

[REDACTED]

[REDACTED] PAN, therefore, could not induce infringement prior to the filing of the Complaint. Summary judgment is warranted in PAN's favor.

**VI. CONCLUSION**

Because Lionra failed to provide actual notice of the Asserted Patents or any alleged infringement to PAN prior to the filing of the Complaint, the Court should enter summary judgment barring Lionra's allegations of pre-suit induced infringement.

Dated: February 20, 2024

Respectfully submitted,

/s/ Mark C. Lang

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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on February 20, 2024, a true and correct copy of the foregoing was served via email to all attorneys of record.

/s/ Mark C. Lang  
Mark C. Lang

**CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL**

I hereby certify that the foregoing document is authorized to be filed under seal pursuant to the Protective Order entered in this case.

/s/ Mark C. Lang  
Mark C. Lang